

# THE BOSTON MEDICAL AND SURGICAL JOURNAL.

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VOL. XIV.]

WEDNESDAY, JUNE 8, 1836.

[NO. 18.]

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## MEDICAL IMPEACHMENT.

DOINGS OF THE MASSACHUSETTS MEDICAL SOCIETY IN THE CASE OF JOHN S. BARTLETT,  
M.D. OF BOSTON, ONE OF ITS FELLOWS.

THE preliminary business of the annual meeting having been completed, the President (*Dr. John C. Warren*) informed the Society that the report of the Committee appointed at a late meeting of the Counsellors to prefer charges against John S. Bartlett, M.D. of Boston, was now in order; the Society would proceed, therefore, to the consideration of this matter.

*Dr. Wm. J. Walker*, of Charlestown, inquired whether persons, not Fellows of the Society, were at liberty to witness its proceedings.

*The President* replied, that he had been requested by *Dr. Bartlett* to allow him to introduce a reporter for the purpose of reporting his remarks before the Society. At the moment, he considered that he had a right to give, and therefore had given, this permission:—upon reflection, he doubted his authority to do so, and would refer it to the decision of the Fellows.

*Dr. J. S. Bartlett*, of Boston. I would respectfully state to the Society, and to yourself, Mr. President, that my remarks on former occasions having been made public without my knowledge or consent, consequently not so perfect or so full as I could have wished, I deem it no more than an act of justice, that what I have to offer at the present time should be taken *verbatim et literatim*. I requested the favor of you, therefore, to permit the presence of a competent short-hand reporter to take down the remarks which I may urge in my own extenuation, and those only; I pledge my honor that he shall confine himself to what I say, and that not a word or syllable else shall go upon his paper. Your coincidence in my request, Mr. President, was exceedingly gratifying to me, and I hope the Society will extend to me the same favor.

*Dr. Walker* moved that the indulgence asked be granted.

*Dr. Peirson*, of Salem, inquired whether the reporter would confine himself strictly to what fell from *Dr. Bartlett*, or whether the remarks of other Fellows would enter into his report.

*Dr. J. S. Bartlett*. I have expressly stated, Mr. President, distinctly stated, that my reporter shall not write a syllable other than what I myself say; he shall report my words, and mine alone. I would not wilfully violate the sanctity of the Society in the slightest degree, and I solemnly pledge my word and honor that his duty shall be confined closely to making a fair and correct transcript of my remarks.

*Dr. Walker* wished for no secrecy in this matter. He had no objection to making public all the doings of the Society upon this subject. All he wanted was a fair and proper report ; if, therefore, that proposed to be made by the person employed by *Dr. Bartlett*, should be submitted to the President for inspection before publication, he should be satisfied. The gentleman pledges himself that it shall be a fair report ; he wished that pledge to be redeemed, and the course he proposed would be a proper one.

*Dr. J. S. Bartlett* coincided heartily in *Dr. Walker's* proposition. He was willing to submit the report to the President, or to the Counsellors, with the greatest pleasure, and would leave it to them to say whether it was, or was not, perfectly correct.

*Dr. W. Strong*, of Boston, had one word to say with regard to the matter. If we concur in this proposition, and allow the President to pass upon the report, we make ourselves responsible for its truth and correctness : now no one can recollect precisely what may be said by different gentlemen, in the course of a protracted discussion—it is impossible to do it—how, then, can the President, or the Counsellors, state that thus much and no more, was, or was not, said ? He would leave the reporter to his own discretion and responsibility, and would not give the report the character of an official document by allowing it to pass under the revision of the President or other officers of the Society.

*Dr. J. V. C. Smith*, of Boston, considered it needless to prolong this discussion. The matter would be reported, at any rate ; and now while we are talking about it, every word goes upon paper. He hoped *Dr. Bartlett's* request would be granted.

*Dr. J. Bigelow*, of Boston, feared that the debate upon this point would entirely consume the very small space of time allotted for this matter : it had now nearly expired.

*Dr. J. B. Flint*, of Boston, begged to be indulged with one word. The gentleman's request extends only to his own remarks. Now if there be any report, and he doubted very much the utility of allowing any (and must, therefore, express his regret at hearing the gentleman on his left [*Dr. Smith*] state so explicitly that there would be a report, the Society *nolens volens*), if there be any report, it should cover the whole ground, and should not be limited to the remarks of *Dr. Bartlett*.

The President called upon the gentleman for an explanation of his motion ; whether he intended to include all, or a part only, of the proceedings.

*Dr. Walker* had moved that *Dr. Bartlett's* request be granted ; he had asked only for permission to have his own remarks reported, and of course that was all that was meant to be embraced in the motion.

*Dr. G. C. Shattuck*, of Boston, observed that *Dr. John S. Bartlett* being now upon trial before this Society on charges preferred against him by the Committee of the Counsellors, he hoped he would have every opportunity and facility yielded him for defending himself in the best possible manner before the Society and the public. He moved, therefore, that during the investigation of the allegations presented against him, he be indulged with the privilege of introducing a professed report-

er upon the floor of the room, to report, in such manner as he thinks proper, consistently with correctness, whatever remarks Dr. Bartlett may have to offer.

*Dr. E. Buck*, of Malden, wished the motion to include all the proceedings; he thought the attack and defence should go together.

*Dr. J. W. McKean*, of Boston, seconded *Dr. Shattuck's* motion to gratify the gentleman so far as related to his own remarks; he thought it natural that he should feel a little anxious to be stated correctly; it was nothing more than was fair and proper, and seemed evidently a measure of self-defence.

The *President* inquired whether there were any further remarks to be made; if not, he would proceed to put the question—Shall *Dr. J. S. Bartlett* be indulged in his request that a reporter may have a seat assigned him on the floor, to enable him to report this trial?

*Dr. McKean* thought the motion, as put, exceeded the request; he seconded the motion to indulge *Dr. B.* with an opportunity of reporting his own remarks, and no more.

*Dr. Buck* thought, as he had just stated, that the report should include all that might be said—it should by no means be one-sided.

*Dr. Shattuck*, in order to remove what seemed to be a bone of contention, would withdraw his motion.

The *President* remarked that the hour for hearing the annual address having arrived, according to the standing rules it took precedence of all other business.

*Dr. J. S. Bartlett*. I hope, *Mr. President*, though I have not had time to prepare an elaborate defence, that some opportunity will be granted me for justification of my conduct on the score of duty, facts and example. I have been cited here on grave and weighty charges; but when and where am I to be heard? how am I to defend myself? I beg, therefore, that some definite time may be fixed, on which I may appear before the Society.

*Dr. George Hayward*, of Boston, moved that after the annual address, the Society adjourn to meet at the same place at 4 o'clock, P. M.

*Dr. J. S. Bartlett* assented to this arrangement: gentlemen might feel rather better natured after dinner, and more disposed to deal leniently with him. He sincerely sought a chance to exculpate himself and explain his motives, and he hoped the motion would prevail.

Three o'clock was suggested, and the motion passed as amended.—The Society adjourned, therefore, after the annual address, to three o'clock, P. M.

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*Afternoon Session.* The Society came to order, and the *President* instructed the Recording Secretary (*Dr. Homans*) to lay before it the doings of the Counsellors in the case of *John S. Bartlett, M.D.* and the documents relating to it. The Secretary read from the records the proceedings of the Council at three several meetings, including the resolution appointing a Committee to inquire whether there had been any breach of the by-laws, the report of that Committee charging *John S. Bartlett* with having violated the eighth by-law, viz. "Any person who is engaged in the practice of medicine or surgery in this Commonwealth,

not being a fellow or licentiate of this Society, nor a Doctor in Medicine of Harvard University, shall be deemed by the fellows of this Society an irregular practitioner; likewise any one who has been expelled from this Society, or who, after being permitted to resign his fellowship, has been deprived of his privileges, or who has withdrawn himself from the Society without the permission of the Counsellors, shall be deemed by this Society an irregular practitioner; and it shall be unlawful for any fellow in his professional capacity to advise or consult with any such irregular practitioner, or in any way to abet or assist him as a practitioner of medicine or surgery. For any breach of this law, a fellow of this Society shall be disqualified for one year from giving his vote at any meeting of the Society and of the District Society of which he may be a member; he shall also be liable to the censure and reprimand of the Counsellors, and in aggravated cases to expulsion"—1st, by aiding and abetting an itinerant empiric named John Williams, by a publication, with his initials attached, in a paper called the Boston Pilot, of March 12th, 1836—2d, by consulting with a person named Patrick Kearney, not a fellow of this Society, as appeared by his own confession before the Boston Medical Association on the 1st of May current; the citation to Dr. Bartlett from the Recording Secretary to appear and answer to the charges before the Council, Dr. Bartlett's reply and request for information, the Secretary's communication in answer, the transactions before the Council, its unanimous decision that the charges were substantiated, and, finally, the resolution appointing Drs. Peirson and Johnson of Salem, and Dr. E. Alden of Randolph, to prefer these charges before the Society at its annual meeting. The Secretary also read at length the article in the Boston Pilot, and all the papers bearing on this case. [We have not been able to obtain a copy of the records and other documents in season for this paper, but presume they will all appear in the appendix annually published by the Society.]

*President.* Dr. John S. Bartlett; you have heard the charges against you: if you have anything to offer in defence, you are now at liberty to do it.

*Dr. J. S. Bartlett.* I regret exceedingly, Mr. President, that the gentleman whom I had engaged to report the remarks which I have to offer, is, from some unavoidable accident, of which I am ignorant, not present. I cannot help it, but must proceed at once to what I have to say.

This is surely a matter of much importance, not to me individually, for it can affect me but little—it can affect my practice but little—but it is important because it involves some great and weighty principles. The articles to which the Secretary alludes, are, I presume, first an article in the Boston Pilot, of which paper I hold the theological editorship, which I will now proceed to read.

*President.* Dr. Bartlett is informed that that article has been read to the Society previous to his entering the room.

*Dr. Bartlett.* I beg your pardon, sir; I was not aware of that fact. I shall proceed then to defend myself upon three or four separate grounds, and here I must express a regret that this matter has been anticipated in



a report which is not so full as I could have wished. My first position, then, shall be on the ground of *fact*. This fact is that I did see Dr. John Williams perform the cures, which, in the article alluded to, I allege he performed. I saw him perform cures in a period astonishingly short of that ordinarily requisite for the successful treatment of such cases. I went incog., examined the cases, saw their progress, witnessed their cure. I then made myself known to, and conversed with him. I found that he effected his cures on precisely the same principle upon which you or any other surgeon would act, viz. by exciting absorption (that is, the same principle in similar cases, since it was chiefly opacities of the cornea that I saw), and that the only difference between him and other physicians was, that he kept the direct means by which he worked these wonders a profound secret. Having seen this with my own eyes, I stated the case publicly—and how could I help it? I stated that I had seen him cure not ten, nor fifteen, nor fifty, but a hundred or more cases, of which more than a moiety had been in the hands of the surgeons of the Massachusetts General Hospital and the Boston Eye and Ear Infirmary, and I say so still. As to the secret nature of his remedy, I cannot see the justice of requiring a man not wealthy, nor even in very comfortable pecuniary circumstances, to publish to the world any discovery he may make, without an adequate reward. The patent laws of the United States are prepared to meet this very case; they provide for the protection of novel and important inventions or discoveries, by securing the exclusive benefit of them to their respective inventors or discoverers, and a very wise provision it is, too. I have nothing to do with Williams's private character—I justify *my* conduct on the ground of moral obligation. I saw him doing good, and I was morally bound to say so. Suppose, Mr. President, you resided in a country where intermittent fever was prevalent, and a person, not a regular member of the profession, was to discover the sulphate of quinine and apply it successfully to the treatment of that disease; would you not be bound to give your evidence in his behalf? I conceive you would, and that it would be a moral duty for you so to do. Now I have seen cases which have been discharged as incurable by the surgeons of the Massachusetts General Hospital, and of the Boston Eye and Ear Infirmary, cured in an almost incredibly short time by Dr. Williams, and, having seen this, I consider myself under a moral obligation to say so. If his private character is bad, I am sorry; but with that I have nothing to do. If he is vicious or immoral, I do not uphold him in it; I testify to nothing but his skill in the cure of diseases which he professes to treat.

The second point which I shall take in view, in which I am justified, is the *legality* of my conduct. I have violated no pledge given to the Boston Medical Association, or to the Massachusetts Medical Society. "Every man who enters into a fraternity, engages by a tacit compact not only to submit to the laws, but to promote the honor and interest of the Association, so far as they are consistent with morality and the general good of mankind." *So far as they are consistent with morality and the general good of mankind*, the extract reads. Now it would be utterly inconsistent with morality for me to deny the truth of what I have said

with regard to Williams ; because, I both know and believe it to be true. I cannot, therefore, retract one word of what I have said in his behalf. I will agree to abide by the pledges given to the Boston Medical Association, to the Massachusetts Medical Society, or to the Essex District Medical Society, of which I am a member, so long as I conscientiously, before God and man, believe them to be consistent with morality and the general good of mankind.

Third, I justify myself on the score of *example*. I am a young man, Mr. President, but I trust the result of my practice has done no discredit to your teaching. Being young, I have naturally looked up to gentlemen who are my seniors in years and experience, for guidance and example : these gentlemen *have* afforded me an example, and at the head of them may be found you, yourself, Mr. President. I allude to the case of Sylvester Graham, and here I must repeat almost verbatim the remarks I had the honor to make before the Council. If a regular member of the profession, Mr. President, applies to you by letter, requesting your opinion and advice with regard to a certain course of diet in a given case, and you send him a letter in reply, you charge five dollars for medical advice. Now sir, an individual, belonging to no body or association, charges fifty cents for giving precisely the same advice in a public lecture, and you uphold him in it. If this does not constitute an irregular practitioner, I do not know what does. If this is not a distinction without a difference, I do not know what is. But I come to a more unpleasant part of this subject, one which I would avoid, but being completely cornered, I must acquit myself as well as I can, and use all possible means for justification and defence. I assert, therefore, that you, sir, and other gentlemen of regular standing, have done more to spread corruption throughout the land, by your support of this most obscene, filthy and infamous scoundrel, and equally infamous impostor, than could possibly have been done in any other way. I say nothing of his blasphemy ; if he knows better than his Creator, if he would turn wine into water rather than the reverse, as did the blessed Saviour, I have nothing to say to it. But if he interferes with the holy sacrament of matrimony, I, as a husband and a father, will speak out. I appeal to every husband, father, and brother who hears me, if he would not as willingly see his wife, daughter, or sister issue from a brothel, as from the secret lectures of this infamous man. I will proceed to read extracts from the lectures of this vilest of vile impostors. [Dr. B. then read certain passages, but from what source we are ignorant. It cannot be denied that they almost, if not quite, justified the epithets so liberally applied ; at any rate, we see no good from giving them any farther circulation.] I can scarcely proceed, sir, it is almost too abominable to be read in the English language. [Further extracts were read.] This, then, is the style of lectures which this man delivers to women ; this is the advice which he has given in Providence, in Portland, and in other places, and for which he richly merits a *Marblehead suit of armor*, a coat of *tar and feathers*. I ask every gentleman present, whether he would not forbid his wife from listening to such filthy outpourings. How much more, then, would he restrain an innocent girl, without a single libidinous idea in her head, from

attending a secret lecture on self-pollution—yet this has been permitted, such lectures are given by this vile fellow, and yet gentlemen of the profession countenance and uphold him. I do not suppose, sir, that you were aware of the whole character of this man, nor would I impeach the motives which induced you to give him the weight of your name. I only urge the conduct of others, as having by example guided, influenced and justified my own.

My next point of defence is one upon which I will not detain you long. It is one, however, which involves important principles. I must here be allowed to digress so far as to state, with reference to the transactions which occurred before the Boston Medical Association the other day, that I received the ordinary notice of the annual meeting, and happening on that day to be in the vicinity of the Medical College, I saw a number of chaises in the neighborhood which reminded me of what had almost escaped my memory, viz. the meeting of which I had been notified. I went in, and after the completion of the usual business, Dr. Storer, the Secretary, arose and brought forward, unexpectedly on my part, the charges against me. I was of course somewhat excited by the suddenness of the attack, and expressed myself in rather stronger language than I should otherwise have done. This I stated to Dr. Ware (who wrote me a very polite note, for which he will please accept my thanks). I said, and I now repeat, that if anything was uttered by me offensive to the feelings of any individual, I regret it, and will explain or apologize in any proper manner. My language was not, I am sensible, so mellifluous as possibly it ought to have been, for which I am exceedingly sorry, but cannot now help. To return; I am charged with consulting with Dr. Patrick Kearney, who has received the degree of Doctor in Medicine at Edinburgh, and is an honorary member of the Royal College of Surgeons in Ireland. Now my friend Dr. Kearney, though a very learned, honorable and high-minded man, is also a genuine Hibernian, and is endowed with his full share of the hot blood of his country, and would not stoop to win favor from any one. Not having received that courtesy which is not etiquette here, to be sure, but which is etiquette abroad, he got into a huff about it, and nothing I could do or say would induce him to join the Association. To this gentleman's skill I must bear full evidence, for I am a living witness and example of it; this testimony I bear in my own person—for had it not been for his skill, I should not, perhaps, have been here this day to address you. As to not consulting with him, that is out of the question: I must do it: it is a matter of necessity: the similarity of our religious faith requires it: cases occur daily, in which persons wish for counsel and assistance from one of their own creed, and aside from all feelings of personal respect and friendship, I shall be compelled to yield it; I cannot promise that I will not. But I must speak of the *principle*, which I believe to be an erroneous one. The provision of the law is, that "any person who is engaged in the practice of medicine or surgery in this Commonwealth, not being a fellow or licentiate of this Society nor a Doctor in Medicine of Harvard University, shall be deemed by the fellows of this Society an irregular practitioner." Now instances may, do, and will occur, in

which it is impossible not to violate this law. A gentleman said the other day, that physicians of regular standing from abroad, travellers or temporary residents, did not come under the contemplated exclusion. I do not agree with him; here is the letter of the law, and to that you must adhere. If Baron Larrey and Samuel Thomson stood on this floor, they would, in the eye of this law, be irregular practitioners, and you would have no more right to consult with one than with the other. Again, I must refer to another portion of my defence, and it embraces a painful duty, but one which I must perform; I cannot avoid it. You may recollect, sir, that I stated before the Council, that I could not consent to leave the Society without good company; if I am to be made the *Azazel*, the scape-goat of the congregation, you must send a respectable flock along with me. I must revert, then, to the example set me. Sir, it is not long since I saw the name of an individual whose fame has been trumpeted over the whole country—before you, sir, were born—in the days of your respected and venerated father—the name of Benjamin Waterhouse, M.D. M. M. S. S. and twenty other S's, attached to a recommendation of the Thomsonian system of medical practice. This comes under the provisions of the eighth by-law. I, therefore, impeach Benjamin Waterhouse, M.D. of Cambridge, a Fellow of this Society, of having violated this by-law of the Massachusetts Medical Society. I must accompany this distinguished and honorable gentleman with some others. The ninth by-law reads, "If any fellow of this Society shall publicly advertise for sale any medicine, the composition of which he keeps a secret, or shall in like manner offer to cure any disease by any such medicine, he shall be liable to expulsion or to such other penalty as the Society at their annual meeting may think proper to inflict." I am constrained, therefore, to put forward my venerated friend Dr. Shurtleff, as the patron of a nostrum called "Pulmonary Balsam," a certificate in favor of which appears in the public prints with his name attached. I would also mention Dr. George Willard, of Uxbridge, as having been in copartnership, and of course in daily and hourly communion, with a gentleman, a graduate of New Haven, but not a member of this Society, and consequently an irregular practitioner. I have also received a note which asserts, and am promised evidence to prove, that Dr. A. L. Peirson, of Salem, has held counsel with a gentleman at Ipswich, not a regular practitioner. To the foregoing allow me to append the names of Dr. John Randall, of Boston, who has consulted with Dr. Pronk, an irregular practitioner, three times; Dr. John Flint, of Boston, with the same, three times; Dr. Abraham R. Thompson, of Charlestown, with the same, three times; Dr. William Ingalls, late of Boston, now of Princeton, with the same, ten times; Dr. Stearns, of Sudbury, with the same, once; Dr. Josiah Bartlett, of Concord, with the same, once; Dr. Robert Thaxter, of Dorchester, with the same, six times; Dr. J. B. Stebbins, of South Boston, with the same, six times; and Dr. Nathaniel Miller, of Franklin, Vice President of the Massachusetts Medical Society, with the same, once.—Some time since there appeared in this city a person named Vanderburgh, with whom several of the faculty have consulted. I expect to be able to produce evidence, and if I do not, other

gentlemen will for me, not only that this man was not a member of this Society, but also, that he had not even a medical degree. I have nearly done. I ask you to look elsewhere for objects equally as deserving of censure as myself—to “pluck the bean from your own eye before you touch the mote in your brother’s eye.” I ask nothing of favor, but all of justice. In what I said of Williams, I spake in my editorial capacity, and not as a physician. I thank the Society for their patient attention.

*Dr. Benjamin Shurtleff*, of Boston. Mr. President, I would state—

The *President*. Only one person is upon trial here, and he of course is allowed all possible latitude in his defence. No other member can be heard; explanations of charges made by him can have no place, and if once entered upon there will be no end to them.

*Dr. Shurtleff*. I was only about to say, sir, that I never saw Dr. Bartlett before to-day, and that I never, directly or indirectly, had anything to do with the “*Pulmonary Balsam*.”

*Dr. W. Lewis*, of Boston, suggested that Dr. Bartlett might allude to Dr. Samuel A. Shurtleff.

*Dr. Bartlett* was not aware of there being two gentlemen of the name. He referred to the one whose signature was affixed to the commendation of the nostrum in question.

*Dr. Peirson*, of Salem. Mr. President—It devolves upon me, in behalf of the Committee appointed by the Counsellors, to perform an extremely unpleasant task, and one which I would willingly have avoided. It has become my duty to support the charges which the Council have unanimously affirmed to be true—and in the performance of that duty I shall be compelled to call your attention to the defence which has just been made.

Dr. Bartlett has well said, that the integrity of our Society is closely connected with the decision of this matter. If we cannot support our laws, let us disband—let us dissolve our union, and leave our professional relations to govern and regulate themselves. But in the present case the difficulty lies not in supporting our laws and the charges which have been made against a violation of them, but in stripping the defence you have so patiently listened to, of its extraneous and irrelevant matter. If we wish to get a clear view of this subject, we have only to ask, 1st. Has he violated the law? 2d. Is it an aggravated case? We have then the whole matter compressed in a nut-shell. It will not be necessary, sir, for me to follow Dr. Bartlett through his long, tedious, and I must say, offensive appeal. I shall only attempt to show that a large part of what he has uttered is entirely irrelevant to the matter in hand. And first, of Williams’s success; we have nothing to do with it—it does not concern us. I do not, however, believe that his success has been truly represented. The Committee have facts touching the point, but they do not consider them relevant; they abstain, therefore, from introducing them—but they are in possession of facts which go to prove that this man has filched money from the poor, as well as the rich, under equally false pretences. Second, as to the alleged *legality* of his conduct. The gentleman has altogether misapprehended the matter: the clause upon which he founds his argument is not in our books: there is no such arti-

cle in our by-laws, and it does not relate in the least to our affairs. It is an extract from Percival, or Gregory, or some writer on medical ethics, who furnishes many admirable precepts, and some which the gentleman would find to be excellent rules for his own conduct; but we have nothing to do with it. It is a part of the "Boston Code of Medical Police," and has no relation to the Massachusetts Medical Society. And so also of what has been said with regard to the Boston Medical Association. We have nothing to do with the affairs of that body—they are not ours. It is a private association, governed by its own rules, and so long as those rules do not conflict with the laws of this Society, we can have no control over them. The third point urged by the defendant I sincerely regret, for I fear it must have produced some unpleasant feeling against him. I allude to his attempted excuse for himself on the ground of *example*. The example of others does not affect him. If others err, they should be punished—if others violate the laws, they should suffer the penalty, but this does not palliate his offence. Another man, Sylvester Graham, has been brought forward. Now, sir, it is generally known that the medical profession have repudiated him as soon as they have discovered his true character. He cannot be got rid of at once; he is a leech, and when he has fastened himself on any one, it is almost impossible to shake him off. I believe, sir, that he has in this way, by his pertinacity, obtained those certificates which he occasionally publishes—they are given him because the individuals beset by him, see no other possible way of relieving themselves. The quotations which have been read, seem to me to be exaggerated—they are from a book called "Advice to Young Men," if I mistake not—be that as it may, they are nothing to us. Because he chooses to lecture on physiology and charges fifty cents, are we to consider him as practising medicine? Certainly not. In this connection comes one other point, and one which I confess touches me—the age of the gentleman. It is desirable that we who are mid-way upon the path of life should encourage those who follow in our footsteps—that we should say to them, Come on! God speed ye! There is no fear of jealousy or rivalry, there need be none. They are to fill our places, and it cheers us to think that they may perchance fill them, and fulfil their duties, in an abler and better manner than we. How unpleasant then, is the necessity for administering censure and reproof—for saying to a young man, you have done wrong—you have erred—you have violated your solemn pledge, and you must abide the consequences. You must regard such a one, not with anger, but with pity. He is like a man, who, admitted into a beautiful edifice, begins at once to deface and to defile it. Without going farther, sir, I think his age does not exculpate him. With regard to Dr. Kearney, he is not generally known out of the city, and, therefore, his name was not introduced in the report to the Council. If he is, as has been stated, an educated man, he surely will not be ashamed to show his credentials. In foreign cities there are persons whose duty it is to examine into the business of every one who arrives—to ascertain his occupation, his object, how long he proposes to remain, and his future destination. If Dr. Kearney has the credentials he is asserted to have, why not exhibit them? Why not have his pass-



port endorsed by the proper authority, the Censors of this Society? It can certainly do him no harm to be legalized in his profession, and if honest in purpose he would assuredly seek it. There are cases, indeed, where error may arise from ignorance of the proper course to be pursued. Such an one was alluded to by Dr. Bartlett, in which my name was included. A gentleman is called some distance to meet a physician not in regular standing; he finds him disposed to rectify his position if possible; and upon a pledge given that he will, as soon as may be, present himself to the board of Censors of his District for a license, he consents to consult with him at that time. Such cases are not uncommon, and are frequently brought before the District Society at the succeeding meeting, and in every instance the pledge has been fulfilled. The very case in which I am interested is now pending—the gentleman's name is now upon nomination. If this course be wrong, if it be a violation of the law, let it be punished. The gentleman does not, however, put his justification upon this ground—would to God he had. I will not, Mr. President, go through the remainder of his defence, consisting of attacks upon different gentlemen, which, at this time, it is not my duty nor my privilege to refute. I must proceed, therefore, to the performance of the task (an unpleasant and ungrateful one I acknowledge it to be) assigned me, and respectfully submit the following report and resolution.

“Whereas Dr. John S. Bartlett, of Boston, residing at No. 11 Atkinson Street, in a paper denominated the Boston Pilot, of which he is joint editor, in a number of said paper issued on the 12th of March, 1836, did recommend to public confidence and patronage, by an elaborate communication, under his own signature, an irregular practitioner by the name of Williams—thereby violating the 8th By-law of the Society, which declares ‘*It shall be unlawful for any fellow of this Society in his professional capacity, to advise or consult with any such irregular practitioner, or in any way to abet or assist him as a practitioner of medicine or surgery;*’ and whereas the said Bartlett has been in the habit of frequently consulting with another person, who is not a regular practitioner of medicine, according to the laws of the Commonwealth and this Society,—the said Dr. Bartlett, on several public occasions openly avowing these acts and professing his determination to persevere in the commission of the same, in defiance of his promise of obedience to the By-laws of this Society, and in violation of those principles and feelings which should be presumed to govern the conduct of every physician who regards the true honor and dignity of the profession;—and whereas the present instance being one of shameful publicity, and one of those aggravated cases for which the law provides the penalty of expulsion—and the said Dr. Bartlett having had an opportunity given him to lay before the Society a refutation of the charges, or a defence of his conduct in the premises,—therefore voted, that Dr. John S. Bartlett, of Boston, be expelled from this Society, and his name erased from the list of its fellows.

*Dr. J. S. Bartlett.* I would first commence, Mr. President, with remarking that I sympathize most sincerely in the pain which the gentleman says has been caused him by this matter. I have defended myself upon the ground of duty, and would advise the gentleman to reserve his

sympathy for others who will probably stand more in need of it. With regard to the extract from Graham, I was not aware that it came from any publication, but took it to be a portion of his private lectures to ladies. As to coming forward and retracting what I have said, it is out of the question; because I believe it to be the truth and nothing but the truth. But I will apologize to the Boston Medical Association, or to this Society, so far as I have said anything offensive to the feelings of individuals. I must express my opinion, however, that your laws are behind the age—they did very well fifteen or twenty years ago, but, “tempora mutantur et nos mutamur in illis.” I protest too against the omission of gentlemen who, as the law reads, are equally culpable with myself. Some of them are my personal friends, but I cannot consent to have the burden laid on me alone. It is said if a gentleman is going to join the Society, it makes an essential difference. I contend that it does not—there is the law and you must abide by it. If other members violate the rule and excuse themselves in this way, why may not I? How do I know but Dr. Kearney may join this Society?—at all events, if I am expelled from this Society, it will not be for mal-practice; if my practice before I arrived at years of discretion, as the gentleman has it—if my practice, I say, for the three years previous to my attaining the legal age of man, will not compare with the gentleman’s from Salem, I will give up. The public too shall hear of this matter; I will appeal to, and discuss this subject before another tribunal. I say this without any ill feeling, for I do not bear any. But I do most solemnly protest once more against being made the \*Azazel of this Society. At all events I have one consolation—I have done as I would be done by, and in so doing I look to a higher authority than this Society for assistance and support.

*Dr. Peirson.* It is unnecessary perhaps to answer Dr. Bartlett, but it does seem strange to me, sir, that knowing of the existence of these laws, he ever joined the Society. (Dr. P. then read the 8th by-law.) Now, sir, I am willing to submit my conduct to the judgment of this Society—let us all do it. It is not necessary to expel any man—the penalty is various—it may be graduated to the offence: the minor offence should receive the minor punishment, and the aggravated offence should be visited with the severest penalty the Society has the power to inflict.

*Dr. J. S. Bartlett.* Perhaps, sir, the Society may wish me to withdraw: if wished, I will do so.

*The President.* As you please, sir.

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\*“ But he his wonted pride  
 Soon recollecting, with high words, that bore  
 Semblance of worth, not substance, gently rais’d  
 Their fainting courage, and dispelled their fears.  
 Then strait commands that at the warlike sound  
 Of trumpets loud and clarions be upreared  
 His mighty standard; that proud honor claimed  
 Azazel, as his right, a cherub tall;  
 Who forthwith from the glittering staff unfurled  
 The Imperial ensign, which full high advanced,  
 Shone like a meteor streaming to the wind,  
 With gems and golden lustre rich emblazed,  
 Seraphic arms and trophies: all the while  
 Sonorous metal blowing martial sounds.”

Dr. Bartlett then withdrew, and the Society proceeded to the consideration of the report and accompanying resolution.

Dr. Peirson requested that as there were other gentlemen of the same name in the Society, Dr. Bartlett's residence, *No. 11 Atkinson Street*, might be inserted in the report.

Dr. E. Hale, of Boston, suggested a modification of the clause referring to the law of the Commonwealth: the only law which made any distinction between regular and irregular practitioners, viz. that excluding the latter from the privilege of recovering their fees by legal process, had recently been repealed.

Dr. Peirson remarked that as the Society derived its charter from the Commonwealth, and was thus constituted, as it were, the guardian of medical education, the allusion seemed sufficiently appropriate.

Dr. J. B. Flint, of Boston, moved to strike out the second clause of the resolution. He considered the first charge a sufficiently scandalous and gross violation to deserve the full penalty which the Society could inflict. With regard to that relating to Dr. Kearney, the respondent having asserted that he is an educated and accredited physician, we must consider in justice that he is so, until the contrary be proved. The Chairman of the Committee has himself confessed that although breaches of the 8th by-law have occurred, they were justified by circumstances, and I concur with him. Now Dr. Bartlett has suggested a fact which goes some way to demonstrate the propriety of omitting this part of the charge, viz. that Dr. Kearney is a catholic brother, and the only one among us: that cases happen in which it is extremely desirable that the physician should be of the same creed with the patient, and if counsel be required, that it should come from a source in accordance with the feelings of the person seeking it. He thought, then, that the second clause should not appear as part of the proceedings in the premises.

Dr. Flint's motion was seconded.

Dr. G. C. Shattuck would be very sorry to see any part of the charge weakened: we should use all the materials at hand to strengthen and support it. We all know that the defendant has treated this Society with great contempt and ridicule from first to last, and to prove this we need nothing better than his own defence. He trusted, therefore, that no subtraction would be made from the charges reported by the Committee.

The motion was put and negatived.

Dr. W. Lewis, Jr. of Boston. As I intend, Mr. President, in my present state of mind, to offer charges against certain gentlemen, I would propose to amend the resolution by striking out the word "*expelled*," and inserting "*reprimanded by the Council and suspended for one year*." I would propose this as a test of the opinion of the Society.

Dr. Peirson was perfectly willing that if any other punishment short of expulsion was suited to the case, it should be applied. He did not think there was.

Dr. J. V. C. Smith, of Boston, had felt a sympathy for the young gentleman from the commencement. The other day when he appeared before the Council and stated that he would make any concession short

of retracting what he had said, and seemed so respectful, and conducted with so much propriety, my feelings, sir, were enlisted in his favor. It does seem to me, sir, as if the weight of a mountain were about to be rolled upon a poor feeble insect to crush him. I acknowledge that he has done a grievous wrong, but do not drive him at once from your doors: possibly he may be saved: possibly, if he be dealt with leniently, it may check him in his sad career, and be the means of his salvation. But if you expel him, you entirely ruin him; you leave him no motive for exertion; and perhaps you send a parent, who is as respectable as any man in this community, to a premature grave. You may yourselves have sons in the same situation:—pause, then, I beseech you, before you bring the terrible power of this great Society to act upon him. I hope, sir, he will be suspended for one year.

*Dr. W. Strong* had been sorry, from the outset of this matter, that it had ever been touched. But what has been done cannot be recalled, and we have nothing left but to perform our duty. We are left no other course, and we should pursue no other. Every chance for palliation, every opportunity for mercy, is cut off. The member upon whose conduct we are in judgment, has prevented us by his language and manner from doing anything short of what is proposed in that report. He has not left one door open where we can allow of his escape; he has said boldly that he fears us not; that to him the decision of the question is of no consequence. And I verily believe that he has urged on this very matter with the hope, and in the belief, that it will be of service to him. That is not for our consideration. I would do nothing in anger, nothing in revenge; but if we cannot support our laws, we may as well disband; our charter is a nullity, and our rules are of no worth. I see no loop-hole, therefore, by which we can get out of this position. I have this very day tried to persuade the member who has just now left us, to say one word, to make the simplest acknowledgment of his error, but in vain: he will not do it, he will not admit himself to have erred, and he despises and laughs to scorn all that this Society may do. I am sorry that it is so—I regret that this case is before us, but I shall not flinch from my duty, but shall give my vote in the affirmative to the whole of that report.

The question upon *Dr. Lewis's* amendment was then put and decided in the negative by a vote of 73 to 23.

The *President* then put the main question, viz. the adoption of the report. He declared it to be decided in the affirmative, but the result was doubted and a count called for.

It was asked by a member whether the by-law requiring the assent of two thirds of the fellows present for expulsion, meant two thirds of those present and voting.

Some discussion followed, and a general count of the members was ordered—strangers being desired to withdraw. A gentleman suggested that delicacy might deter some members from expressing an opinion, as they were themselves charged with a violation of the laws.

The *President* remarked that the charges were nothing till proved.

*Dr. James Jackson*, of Boston, observed that some fellows had ex-

cused themselves from voting, because they did not approve of all the charges, while at the same time they did approve of part, and thought them sufficient to merit expulsion. Now, sir, I do not consider it necessary that all the charges should be assented to, in order to render an affirmative proper—if one of them is believed to be substantiated, that is quite enough.

*Dr. Wm. J. Walker*, of Charlestown, would have been pleased if the young man had given the Society any reason for inflicting a light punishment: he should be sorry to give pain to his friends and family. He believed that he was seeking, and anxious for, this very thing; that he wanted to have sentence of expulsion passed upon him; that he imagined it would give him notoriety; would make him a point for the public eye to rest upon; that he would be glad of it, and rejoice in an opportunity for attacking the Society and the profession. He would be willing, therefore, to have the penalty something short of immediate expulsion.

*Dr. Whittemore*, of Brighton, thought that suspension and reprimand would be the better course.

The *Vice President*, *Dr. Miller*, of Franklin, felt exceedingly sorry at the introduction of this subject. There could be no doubt that the publication read from the *Pilot* was outrageous, and abundantly sufficient to justify the extreme penalty of the law; there could be as little doubt that *Williams* was an empiric of the first order. Upon the whole, however, considering the youth of the member accused, and the circumstances, he was of opinion that the Society should let him off as easily as possible.

*Dr. Mackie*, of New Bedford, looked upon the matter as one of much importance. We are here, sir, as an incorporated body constituted by the authority of the Commonwealth, to decide upon the question, whether a man is, or is not, a regular practitioner of medicine. It should be sufficient for the public if we say he is not: and the question now, is whether it should be left to individuals, or whether we, as a Society, should say this. I believe we should. I believe that no one should go free because others have erred also; if they have, let them be charged, but let us at all events maintain the dignity and honor of this Society.

*Dr. J. B. Flint* rose to order. He wished to ask if any discussion was in order after the question was put and the vote ascertained.

*Dr. Strong* presumed that members were not aware of the by-law requiring two thirds: he moved a new vote: the President had an undoubted right to order it.

The *President* hoped the Society would bear in mind that it had at stake, and was now called upon to maintain, that high reputation which had been constantly increasing for the past thirty years. Members should not retire, but every one should come boldly forward and vote upon this question, whether he believes the accused innocent or the reverse. He trusted no one would shrink, and he hesitated not to say that those who sought to avoid recording their testimony in this case, merited the indignation and contempt of all honorable men. No person not of the Society was now present, and he looked upon it as the solemn

duty of every member to vote on one side or the other. The question was again put, and decided in the affirmative by a vote of 100 ayes to 22 nays, four members not voting.

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## BOSTON MEDICAL AND SURGICAL JOURNAL.

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BOSTON, JUNE 8, 1836.

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### TRIAL AND EXPULSION OF DR. BARTLETT.

As the trial of a Fellow of the Massachusetts Medical Society occupies the whole of the Journal, the present week, we should feel bound to apologize to our readers for covering the whole ground with one single article, were it not of a very important and interesting character—perhaps without a parallel in this country. The fidelity of the reporter lays us under a peculiar obligation. The impeachment of the same individual, before the Boston Medical Association (of which we have a full report), and the remarks we have to make upon this subject, will be given in a future number.

Various papers have been received from correspondents, which will have early attention.

**DIED**—At Cheraw, S. C. CHANDLER ROBBINS, M.D. a highly respectable physician of this city. He was many years since an assistant editor, and subsequently editor, of this Journal. Dr. Robbins possessed a cultivated mind, and exerted himself to promote human happiness. We deeply sympathize with his afflicted family. A biographical sketch of his character will hereafter be found in the Journal.

In Dinwiddie Co. Va. Dr. William Cutler, aged 71.—In China, Me. Dr. John Hall, formerly of Warren, N. H. aged 82.

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Whole number of deaths in Boston for the week ending June 4, 21. Males, 11—Females, 10. Of consumption, 6—child-bed, 1—dropsy on the brain, 2—old age, 1—quinsey, 1—teething, 2—infantile, 5—abscess, 1—accidental, 1—apoplexy, 1.

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### LECTURES ON THE DISEASES OF THE EYE.

DR. JOHN JEFFRIES will deliver a course of lectures on the diseases of the Eye, at the rooms of the Eye Infirmary, on Tuesday, Thursday and Saturday of each week, at a quarter past three o'clock; to commence on Tuesday the 14th day of June. Application may be made at the rooms of the Infirmary during the attendance of the Surgeons, or at the house of Dr. Jeffries, No. 9 Franklin street.

June 1, 1836.

3t—June 8

### AN EXCELLENT STAND FOR A PHYSICIAN

A PHYSICIAN, situated in a pleasantly located town, ten miles north of Boston, being about to leave the country, wishes to dispose of his stand and business. His stand consists of a convenient house, barn, &c. with seventeen acres of land. His business is extensive, and affords an excellent chance for a practitioner of experience. Applications to be made to the editor of this Journal (if by letter, post-paid), who will furnish the address of the advertiser. If the estate and business together should be an objection to the purchaser, they would be disposed of separately, to suit his convenience. Applications are requested to be made immediately, as the advertiser wishes to leave the place by August next.

May 18, 1836.

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THE BOSTON MEDICAL AND SURGICAL JOURNAL is published every Wednesday, by D. CLAPP, JR. at 184 Washington Street, corner of Franklin Street, to whom all communications must be addressed, *post-paid*. It is also published in Monthly Parts, each Part containing the weekly numbers of the preceding month, stitched in a cover. J. V. E. SMITH, M.D. Editor.—Price \$3.00 a year in advance, \$3.50 after three months, and \$4.00 if not paid within the year.—Agents allowed every seventh copy *gratis*.—Orders from a distance must be accompanied by payment in advance, or satisfactory reference.—Postage the same as for a newspaper.